

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<http://oversight.house.gov>

February 26, 2016

Nick Lyon
201 Townsend St.
Lansing, Michigan 48913

Dear Mr. Lyon:

The Committee on Oversight and Government Reform is investigating the drinking water crisis in Flint, Michigan, and we plan to hold public hearings with Governor Rick Snyder, EPA Administrator Gina McCarthy, and several other officials during the week of March 14, 2016.

In order to prepare for these hearings, we request that you make yourself available for a transcribed interview with Committee staff as soon as possible, but no later than March 8, 2016. In addition, we request that you produce, as soon as possible, but no later than March 4, 2016, all documents relating to the water in Flint, and the crisis that has ensued, in your possession, custody, or control, including emails and text communications, from 2011 to the present.

When producing documents, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and the Minority staff in Room 2471 of the Rayburn House Office Building. We prefer, if possible, to receive documents in electronic format.

To schedule this interview, or if you have any questions regarding these requests, please contact Kapil Longani at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Ranking Member



Brenda Lawrence
Ranking Member
Subcommittee on Interior

cc. The Honorable Jason E. Chaffetz, Chairman
The Honorable Cynthia Lummis, Chairman, Subcommittee on Interior

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March 16, 2016

The Honorable Rick Snyder
Governor, State of Michigan
111 South Capitol Avenue
P.O. Box 30013
Lansing, MI 48909

Dear Governor Snyder:

As of today's date, 15 of your current and former employees have refused to comply with requests from Congress to participate in transcribed interviews and to produce documents in their possession relating to the Flint water crisis. Their refusals directly contradict your multiple promises of transparency and accountability to the people of Flint, and they obstruct the ability of Congress to adequately investigate this crisis.

We have bent over backwards to address every argument these officials put forward over the past month to avoid cooperating with our requests, and we have made multiple offers to accommodate them. Yet, despite our good faith efforts, not one of these state officials has agreed to be interviewed on the record or to provide any documents in response to our requests.

Requests for Interviews and Documents

Over the last several weeks, we have sent letters to 15 current and former state officials requesting that they participate in transcribed interviews with Committee staff and produce "all documents relating to the water in Flint, and the crisis that has ensued, in your possession, custody, or control, including emails and text communications, from 2011 to the present."¹ These 15 state officials are:

Office of the Governor

- (1) Dennis Muchmore, Chief of Staff, Office of the Governor
- (2) Richard Baird, Transformation Manager, Office of the Governor
- (3) Richard Posthumus, Senior Advisor, Office of the Governor

¹ See, e.g., Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform, to Dennis Muchmore, Former Chief of Staff, Office of the Governor, State of Michigan (Feb. 26, 2016).

- (4) Sara Wurfel, Press Secretary, Office of the Governor
- (5) John Walsh, Director of Strategy, Office of the Governor
- (6) Harvey Hollins, Director of Urban Affairs, Office of the Governor

Michigan Department of Environmental Quality

- (7) Brad Wurfel, Communications Director, Michigan Department of Environmental Quality
- (8) Jim Sygo, Deputy Director, Michigan Department of Environmental Quality
- (9) Michael Prysby, District Engineer, Office of Drinking Water and Municipal Assistance, Michigan Department of Environmental Quality
- (10) Liane Shekter Smith, Chief, Office of Drinking Water and Municipal Assistance, Michigan Department of Environmental Quality

Michigan Department of Health and Human Services

- (11) Nick Lyon, Director, Michigan Department of Health and Human Services
- (12) Matthew Davis, Chief Medical Executive, Michigan Department of Health and Human Services
- (13) Eden Wells, Chief Medical Officer, Michigan Department of Health and Human Services

Michigan Department of the Treasury

- (14) Andy Dillon, State Treasurer, Michigan Department of the Treasury
- (15) Wayne Workman, Deputy State Treasurer, Michigan Department of the Treasury

To date, none of these current or former state officials has agreed to cooperate, to participate in a transcribed interview, or to produce a single page of documents in response to our requests.

Efforts to Accommodate Numerous Objections

On March 4, 2016, officials from the Michigan Attorney General's office notified us that they are representing 12 of these officials. That office sent a letter objecting to the customary congressional practice of asking each individual to appear for these transcribed interviews in Washington, D.C.² To address this concern, our staff offered to conduct these transcribed interviews by telephone.³ Our offer was rejected.

² Letter from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan, to Ranking Member Elijah E Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform (Mar. 4, 2016).

³ E-mail from Democratic Staff, House Committee on Oversight and Government Reform, to Richard S. Kuhl, Assistant Attorney General, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan (Mar. 4, 2016).

Separately, the letter from the Michigan Attorney General's office also objected to our request by claiming that it "cannot be achieved on such an abbreviated schedule."⁴ In order to address this objection, Ranking Member Cummings sent a letter on March 8, 2016, offering to start with just two officials: your former Chief of Staff and your Transformation Manager. Ranking Member Cummings also offered to send staff to Michigan to conduct these transcribed interviews. As he wrote in that letter:

As an effort to further accommodate this process, we propose that we begin these transcribed interviews—at a location of your choosing—on Friday, March 11, 2016, with Dennis Muchmore, Governor Snyder's former Chief of Staff, and Richard Baird, Governor Snyder's Transformation Manager.⁵

The Michigan Attorney General's office rejected this offer on March 9, 2016. In an email to our staff, an official from that office wrote:

I will provide a more detailed response, but for purposes of your immediate need to make travel plans, Mr. Muchmore and Mr. Baird will not be available for interviews on Friday.⁶

On March 10, 2016, the Michigan Attorney General's office followed up by writing an email offering to have Mr. Muchmore and Mr. Baird meet with Committee staff, but only on condition that there be no transcript—in other words, no written record of their conversations.⁷

Similarly, private attorneys representing the remaining three state officials who are not represented by the Michigan Attorney General's office also refused to cooperate:

- On March 10, 2016, an attorney representing Brad Wurfel, the former Communications Director for the Michigan Department of Environmental Quality, informed our staff that his client received our request, but that he declined to cooperate. He stated that Mr.

⁴ Letter from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Office of the Attorney General, State of Michigan, to Ranking Member Elijah E Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform (Mar. 4, 2016).

⁵ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan (Mar. 8, 2016).

⁶ E-mail from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan, to Democratic Staff, House Committee on Oversight and Government Reform (Mar. 9, 2016).

⁷ E-mail from S. Peter Manning, Division Chief, Environment, Natural Resources, and Agriculture Division, Department of Attorney General, State of Michigan, to Democratic Staff, House Committee on Oversight and Government Reform (Mar. 10, 2016).

Wurfel refused to participate in a transcribed interview and would not produce any documents in response to our request.⁸

- Also on March 10, 2016, an attorney representing Liane Shekter Smith, the Chief of the Office of Drinking Water and Municipal Assistance in the Michigan Department of Environmental Quality, confirmed that his client received our request, but he did not agree that she would participate in a transcribed interview or produce any documents in response to our request.⁹
- On March 11, 2016, an attorney representing Michael Prysby, the District Engineer in the Office of Drinking Water and Municipal Assistance in the Michigan Department of Environmental Quality, sent a letter refusing to cooperate. The letter stated that “we are writing to inform you that he respectfully declines your request” and that “we have advised our client that he is not compelled to appear.”¹⁰

Conclusion

During your State of the State address on January 19, 2016, you told the people of Michigan that you were sorry for this disaster, and you promised transparency and accountability for all those responsible. You stated: “For those whose mistakes contributed to this disaster, we are fully cooperating with investigations and will hold those individuals accountable.” Unfortunately, this has not occurred to date.

You clearly have the authority to direct current state officials to cooperate with Congress and the ability to encourage former state employees to do the same, but we have seen no evidence that you have taken either step.

We want to make clear that the Chairman of our Committee, Rep. Jason Chaffetz, has agreed to many of our requests for interviews and documents, including our request to invite you to testify before the Committee on Thursday. We have commended him publicly, and we have made clear that members of his staff are invited to join all of these transcribed interviews on a bipartisan basis.

We believe that you—as the Governor of Michigan who promised transparency and accountability to the people of your state—have a responsibility to actively promote cooperation with Congress. Lead poisoning does not discriminate based on the political affiliation of the

⁸ Meeting Between Michael J. Pattwell, Counsel to Brad Wurfel, and Democratic Staff, House Committee on Oversight and Government Reform (Mar. 10, 2016)

⁹ Telephone call Between Brandon W. Zuk, Counsel to Liane Shekter Smith, and Democratic Staff, House Committee on Oversight and Government Reform (Mar. 10, 2016)

¹⁰ Letter from Charles E. Barbieri, Counsel for Michael Prysby, to Ranking Member Elijah E Cummings, House Committee on Oversight and Government Reform, and Ranking Member Brenda Lawrence, Subcommittee on the Interior, House Committee on Oversight and Government Reform (Mar. 11, 2016).

The Honorable Rick Snyder, Governor of Michigan
Page 5


people of Flint, and nor should you when Members of Congress seek information from officials in your administration.

For these reasons, we request that you direct and actively encourage all current and former state officials to fully comply with all of our requests as part of this investigation—not just with requests made by Republicans.

Sincerely,



Elijah E. Cummings
Ranking Member



Brenda Lawrence
Ranking Member
Subcommittee on Interior

cc: The Honorable Jason E. Chaffetz, Chairman
The Honorable Cynthia Lummis, Chairman, Subcommittee on the Interior

Lishinski, Karen (DHHS)

From: Lishinski, Karen (DHHS)
Sent: Thursday, October 01, 2015 8:12 AM
To: Peeler, Nancy (DCH)
Subject: FW: Hurley -- follow up about the question on Hurley lab results

Nancy,

I just wanted to add that the Spice Collaborative was founded when I noticed a trend of groups of siblings with high lead levels in areas that normally have fewer EBLs. At this time I was only seeing the 20+. Now I see all children with ebls.

From: Scott, Robert L. (DHHS)
Sent: Thursday, October 01, 2015 8:06 AM
To: Peeler, Nancy (DHHS)
Cc: Lishinski, Karen (DHHS)
Subject: RE: Hurley -- follow up about the question on Hurley lab results

We report on testing and elevated levels annually by fiscal year for the legislature--by county/Detroit and the state. We report annually by calendar year for stakeholders and the public--by county, by several funded communities, and by ZIP code; also the Medicaid population by county. These annual reports include tables, graphs and maps to provide detailed information about the past year, as well as trends over several years. We produce other reports by request.

We used to produce similar reports by quarter, and even a special monthly report for funded health departments. But as we have lost funding and staff, and as my own time has been pulled in other directions, these other more-frequent reports have fallen away.

Child- and address-specific data continues to be provided to every local health department every week--via HHLPS on-line system, and via securely-transmitted Excel files--so that they have information on lead levels for children in their jurisdictions.

BLLs >= 20 are faxed to local health departments the same day we receive them. Starting a few months ago, copies of all BLLs >= 5 are provided to our Nurse Consultant weekly, to help her monitor elevated levels in each local jurisdiction.

From: Peeler, Nancy (DCH)
Sent: Wednesday, September 30, 2015 6:50 PM
To: Wells, Eden (DHHS) <WellsE3@michigan.gov>; Miller, Corinne (DHHS) <MillerC39@michigan.gov>; Miller, Mark (DHHS) <millerm1@michigan.gov>; LyonCallo, Sarah (DHHS) <lyoncallos@michigan.gov>; Dykema, Linda D. (DHHS) <DykemaL@michigan.gov>; Priem, Wesley F. (DHHS) <priemw@michigan.gov>; Travis, Rashmi (DHHS) <TravisR@michigan.gov>
Cc: Fink, Brenda (DHHS) <FinkB@michigan.gov>; Scott, Robert L. (DHHS) <ScottR9@michigan.gov>
Subject: RE: Hurley -- follow up about the question on Hurley lab results

I can partially answer your question now, will get additional info from Bob and send more later.

The data flows in daily, year-round. We process several thousand test results every week. We monitor the results daily, and have an algorithm for our follow-up response, based on the blood lead level.

Because we are processing results every day, we do see some patterns if they begin to emerge, especially with the higher lead levels. We normally track and report data at health department level, county level/Detroit. We are still building our capacity and putting new procedures in place via our CDC Surveillance grant to crank out more

reports/report cards, and more frequent data reports, especially with the switch in focus to levels of 5 and above (which means we are focusing on a larger number of results than just 10 and above). We develop and share out many maps, charts, graphs, and yes, do publish an annual legislative report.

We have .2 FTE Epi support (Cristin Larder), mostly for special projects and/or reports, for example, Cristin is working with us and Dr. Stan Kaplowitz from MSU to use his research to help pinpoint smaller geographic areas with higher risk, so we can better direct resources toward those areas.

Bob, can you please add more information about frequency of your analysis, and how we detect issues?

From: Wells, Eden (DCH)

Sent: Wednesday, September 30, 2015 6:24 PM

To: Peeler, Nancy (DCH); Miller, Corinne (DCH); Miller, Mark (DCH); LyonCallo, Sarah (DCH); Dykema, Linda D. (DCH); Priem, Wesley F. (DCH); Travis, Rashmi (DCH)

Subject: RE: Hurley -- follow up about the question on Hurley lab results

That sounds about right.

May I ask,, is it CLPP's usual process to collect the lead data on an ongoing basis...if so, at what level is the data usually analyzed (by Epi?) IS it daily, monthly? Quarterly? Annually? How would we normally detect/know if there is an issue in a particular locality---do you look at it at county level or smaller when you peruse your data? This question may arise...

E

From: Peeler, Nancy (DCH)

Sent: Wednesday, September 30, 2015 5:22 PM

To: Miller, Corinne (DCH); Miller, Mark (DCH); LyonCallo, Sarah (DCH); Dykema, Linda D. (DCH); Priem, Wesley F. (DCH); Travis, Rashmi (DCH); Wells, Eden (DCH)

Subject: FW: Hurley -- follow up about the question on Hurley lab results

Hi all -- I talked to Bob to confirm the information I had shared about the Hurley lab results. It is a little more nuanced than I had explained, forwarding Bob's explanation, FYI.

From: Scott, Robert L. (DCH)

Sent: Wednesday, September 30, 2015 5:05 PM

To: Peeler, Nancy (DCH)

Subject: Hurley

Hurley Medical Center is listed as the "Provider" on approximately half of the blood lead results we received for Flint children in 2014—I assume that pattern holds in 2015 and in recent years. Warde Medical Lab is listed as the "Laboratory" on those results. Warde reported the results to CLPPP in accordance with State law.

I can't say whether the blood specimens were a) drawn at Hurley's lab, or b) simply passed through Hurley's lab—from physician office to Hurley to Warde for analysis. As I understand it, both scenarios are common at various hospital labs.

Robert L. Scott
Childhood Lead Poisoning Prevention Program

Michigan Department of Health & Human Services
(517) 335-8178
fax (517) 335-8509

Muchmore, Dennis (GOV)

From: Muchmore, Dennis (GOV)
Sent: Wednesday, July 22, 2015 3:04 PM
To: Lyon, Nick (DCH)
Subject: Flint

I'm frustrated by the water issue in Flint. I really don't think people are getting the benefit of the doubt. Now they are concerned and rightfully so about the lead level studies they are receiving from the DEQ samples. Can you take a moment out of your impossible schedule to personally take a look at this? These folks are scared and worried about the health impacts and they are basically getting blown off by us (as a state we're just not sympathizing with their plight).

Scott, Robert L. (DHHS)

From: Larder, Cristin (DCH)
Sent: Tuesday, July 28, 2015 4:54 PM
To: Scott, Robert L. (DCH); Peeler, Nancy (DCH)
Cc: LyonCallo, Sarah (DCH); McKane, Patricia (DCH)
Subject: RE: Flint Testing and EBLLs.xlsx
Attachments: City of Flint EBLL May 2011-Apr 2015_Final.pdf

Hello Nancy and Bob,

It turns out that adding in the additional two years of data did not change the results of the analysis: there does appear to be a higher proportion of EBLL last summer than usual. I wrote up my methods and results in the attached brief, just in case anyone asks for specifics.

Have a good night!
Cristin

From: Scott, Robert L. (DCH)
Sent: Tuesday, July 28, 2015 10:15 AM
To: Larder, Cristin (DCH); Peeler, Nancy (DCH); McKane, Patricia (DCH)
Subject: RE: Flint Testing and EBLLs.xlsx

Cristin,

I can safely say I don't understand it without some explanation.

However, late yesterday Nancy and I decided to take a look two years farther back to see how they fit with the recent years. Please see attached, which I just finished this morning. Sorry I didn't have this for you yesterday before you did the analysis. Would this new information change the analysis?

Thanks,
Bob

From: Larder, Cristin (DCH)
Sent: Tuesday, July 28, 2015 10:07 AM
To: Peeler, Nancy (DCH); McKane, Patricia (DCH)
Cc: Scott, Robert L. (DCH)
Subject: RE: Flint Testing and EBLLs.xlsx

Nancy and Bob,

Is the control chart clear enough, do you think? I could whip up a fact sheet with a description of what it shows, if you think it would help make it more digestible for our audience.

Cristin

From: Larder, Cristin (DCH)
Sent: Tuesday, July 28, 2015 9:25 AM
To: Peeler, Nancy (DCH); McKane, Patricia (DCH)

Cc: Scott, Robert L. (DCH)
Subject: RE: Flint Testing and EBLs.xlsx

Hi Nancy,

I made a p-chart, which Shewhart's version of a control chart for proportions, for the data you sent. Basically, I used the monthly data from 2013-14 to create upper and lower control limits, then plotted the 2014-15 data in a run chart. It shows that the three months in question are the only ones that lie outside the control limit: in fact, they are the only points that lie well above the mean at all. This doesn't say anything about causality, but it does warrant further investigation.

There are several next steps we can employ if the folks upstairs ask us to look deeper into the data. Also, I'm not sure if you talked at all with the Environmental Health folks, but their toxicologists could probably help give us some context to the issue.

Cristin

From: Peeler, Nancy (DCH)
Sent: Monday, July 27, 2015 3:37 PM
To: McKane, Patricia (DCH)
Cc: Larder, Cristin (DCH); Scott, Robert L. (DCH)
Subject: Re: Flint Testing and EBLs.xlsx

Thanks, Patti. I'm looking forward to hearing about your COLIN meeting, I'm sure you will be bringing great information back.

Sent from my iPhone

On Jul 27, 2015, at 3:11 PM, "McKane, Patricia (DCH)" <McKaneP@michigan.gov> wrote:

Thanks Nancy.

I was in a session on Shewart charts for QI. I think this might be a good approach for the needs assessment. We can talk more. Hopefully the slides will be available, because I can't type that much with my thumbs

Sent from my iPhone

On Jul 27, 2015, at 1:14 PM, Peeler, Nancy (DCH) <PeelerN@michigan.gov> wrote:

Hi Cristin and Patti –

This is the CLPPP data for Flint that I had mentioned to you last week. Cristin, can you quickly run any tests to see if the difference in the first graph is statistically significant? Bob is at his desk today, best to connect with him if you have questions about the data. We are hoping to send this up today, so we appreciate anything you can do to get us a response this afternoon, if at all possible. Many thanks!

Nancy

<Flint Testing and EBLs.xlsx>

From: [Moran, Susan \(DCH\)](#)
To: [Lyon, Nick \(DCH\)](#)
Cc: [Robinson, Mikelle \(DCH\)](#); [Wells, Eden \(ewells@umich.edu\)](#); [Hertel, Elizabeth \(DCH\)](#); [Lasher, Geralyn \(DCH\)](#); [Grijalva, Nancy \(DCH\)](#); [Becker, Timothy \(DCH\)](#); [Dykema, Linda D. \(DCH\)](#); [Miller, Corinne \(DCH\)](#); [Anderson, Paula \(DCH\)](#)
Subject: Re: Proposed Press Conference on Flint Drinking Water
Date: Monday, September 28, 2015 10:09:05 AM

Lynda Dykema is the contact for questions on Virginia Tech/Hurley data.

Sent from my iPhone

On Sep 28, 2015, at 7:52 AM, Lyon, Nick (DCH) <LyonN2@michigan.gov> wrote:

Director Wyant and I agreed this morning to establish a team to look at the recommendations below in preparation for a joint press conference later this week. I did modify one and remove one from his original email. He was suggesting an outside public health advisor. I think it's appropriate that this be our CME so I changed that piece. I volunteered Geralyn, Elizabeth, and Dr. Wells to serve on the team.

The areas where we need more attention are as follows:

- <!--[if !supportLists]-->1) <!--[endif]-->I need an analysis of the Virginia Tech/Hurley data and their conclusions. I would like to make a strong statement with a demonstration of proof that the lead blood levels seen are not out of the ordinary and are attributable to seasonal fluctuations. Geralyn is working on this for me but she needs someone in public health who can work directly with her on immediate concerns/questions. Sue – Please get her a name immediately.
- <!--[if !supportLists]-->2) <!--[endif]-->I need an understanding of what WIC will pay for and when. We are hearing that the USDA is indicating that premade formula can be provided. Internal WIC staff don't seem to be saying the same things. And there may also be a supply issue. Elizabeth is following up for me on this.
- <!--[if !supportLists]-->3) <!--[endif]-->Elizabeth will also follow up with Terry Beuer to see what FNS will pay for on the food assistance side, or if there are other programs that may cover water or premade formula.
- <!--[if !supportLists]-->4) <!--[endif]-->I think we did a good job getting the local public health department involved and I ask that we work in concert with him. The recommendation is that they be included in the press event this week.

We need immediate action on these. I have a follow up phone call early this afternoon. I also ask that any requests coming from the team be treated with great urgency. The expectation is that we will get on top of this and provide leadership on the issue.

Nick

From: Wyant, Dan (DEQ)
Sent: Monday, September 28, 2015 7:18 AM
To: Muchmore, Dennis (GOV); Lyon, Nick (DCH); Hollins, Harvey (GOV)
Cc: Wurfel, Sara (GOV); Wurfel, Sara (GOV); Lasher, Geralyn (DCH); Thelen, Mary Beth (DEQ)
Subject: Proposed Press Conference on Flint Drinking Water

Per the ongoing issues in Flint concerning their drinking water, I would offer the following recommendations. Let's discuss.

Recommendation

Press Conference in Flint – Wednesday, Thursday or Friday.

Participants

Mayor of Flint
Dan Wyant – Michigan Department of Environmental Quality
Nick Lyon – Department of Community Health
Susan Hedman – Region 5 Administrator or EPA
Harvey Hollins – Governor's office
Local Public Health Department

Announcement

Federal – State – Local action plan to address Flint Drinking Water

- <!--[if !supportLists]-->1. <!--[endif]-->Governor Snyder names Dr. Eden Wells (DHHS Chief Medical Executive) as Flint drinking water Public Health Advisor.
- <!--[if !supportLists]-->2. <!--[endif]-->All Flint schools water will immediately be tested to ensure that drinking water is safe.
- <!--[if !supportLists]-->3. <!--[endif]-->Advisories will be disseminated recommending citizens flush your cold water pipes, use only water from the cold water tap for drinking, cooking and especially for making baby formula.
- <!--[if !supportLists]-->4. <!--[endif]-->Implementation of fully optimized corrosion controls in the Flint drinking water system.
- <!--[if !supportLists]-->5. <!--[endif]-->Expanded water testing of at risk

properties.

<!--[if !supportLists]-->6. <!--[endif]-->Offer water testing at no cost to Flint residents to assure water is safe.

<!--[if !supportLists]-->7. <!--[endif]-->Convene a safe drinking water “Technical Review Advisory” to ensure best technology, practices and science is being utilized, including EPA’s expertise and assistance from their Office of Research and Development.

<!--[if !supportLists]-->8. <!--[endif]-->Offer bottled water and premixed formula if test results indicate high levels of lead.

Dan Wyant, Director
Department of Environmental Quality
517-284-6700 (New Number)

From: Baird, Richard (GOV)
Sent: Thursday, November 26, 2015 12:33 PM
To: Etue, Kriste (MSP)
Subject: Re: Fwd: Flint

And to you! Boss wants us to work through this without a disaster declaration if poss. Dan and Nick and I are working on it.

Sent from my Verizon Wireless 4G LTE DROID

On Nov 26, 2015 9:57 AM, "Etue, Kriste (MSP)" <EtueK@michigan.gov> wrote:
First before anything... Happy Thanksgiving! (I count my blessings every day and know that I'm thankful for having you in my life.)

Second... Any news on Flint water situation. I have Capt. Kelenske watching this closely. Note his email below.

Sent from my iPhone

Begin forwarded message:

From: "Kelenske, Chris (MSP)" <KelenskeC@michigan.gov>
Date: November 25, 2015 at 9:36:44 PM EST
To: "Etue, Kriste (MSP)" <EtueK@michigan.gov>
Cc: "Gorski, Gary (MSP)" <GorskiG@michigan.gov>
Subject: Flint

Col

Thus far we have heard nothing reference to Flint putting an emergency declaration in place. Below is a link to a show called Current State. The new mayor mentions they need a disaster declaration.

<http://wkar.org/post/new-flint-mayor-disaster-declaration-key-solving-water-crisis#stream/0>

Sent from my iPhone

From: Kelenske, Chris (MSP)
Sent: Friday, November 13, 2015 2:55 PM
To: Smith, Paul (GOV)
Cc: Etue, Kriste (MSP); Gorski, Gary (MSP); Katarsky, Anthony (MSP)
Subject: Declaration Questions

Paul

Per your call/question the other day reference a state declaration of an emergency in Flint:

As you know, the Governor can declare at any time for any reason

- From PA 390... "Emergency" means any occasion or instance in which the governor determines state assistance is needed to supplement local efforts and capabilities to save lives, protect property and the public health and safety, or to lessen or avert the threat of a catastrophe in any part of the state.
- From the start, the state (EMHSD as well as other state agencies) was engaged and EMSHD continually urged officials to work with and through the local EM to coordinate the response and recovery.
- A local declaration of an emergency was never put in place and local resources were being used in conjunction with the DCH.
- We never received any requests for assistance under PA390.

What is gained with a Governor's Declaration?

- Command and control for 28 days
- Ability to apply Section 19 funding
- Ability to apply Section 18 funding

Discussion Points

- There is no local declaration of an emergency; there is no request for state assistance under PA390.
 - Local resources have been sufficient to address the situation (outside of needing money which I believe is being handled).
- The state will formally own the event if we put a Governor's Declaration in place. This could be viewed as the state having owned up to how the water issue was caused (e.g. "The triggering event was caused by the state; that is why the state is now declaring.").
- A state declaration sets a precedent for issuing a state declaration for an infrastructure maintenance event. What if lead is found in other areas of the state's drinking water due to infrastructure issues? This action opens the door to any other jurisdiction with water quality issues.
- State financial support has already been provided outside of PA 390, so timing is questionable.
- Section 18 use could drain the Disaster Contingency Fund.

Please let me know if you would like to discuss or if this is not what you were looking for.

Chris

Capt. Chris A. Kelenske
Deputy State Director/Commander
Emergency Management and Homeland Security Division
Michigan State Police
4000 Collins Road
Lansing, MI 48910

(517) 333-5042

"A PROUD tradition of SERVICE through EXCELLENCE, INTEGRITY, and COURTESY."



